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VIA ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

In Re: Acetaminophen ASD/ADHD Products Liability Litig.; 1:22-md-3043 (DLC)
Defendants' Letter Requesting Rule 702 Hearing

Dear Judge Cote,

We write on behalf of Defendants in follow up to the Court's February 1, 2023 Order regarding the need for, and scope and logistics of, a Rule 702 hearing in this matter (DE 391 at ¶ 21).

As Your Honor is aware, a Rule 702 hearing generally is conducted in one of two formats: (1) a hearing during which the parties present live expert testimony and the Court may ask questions of the experts; or (2) oral argument by the attorneys without live testimony. Given the complexity and public health implications of the general causation issues central to this litigation, Defendants respectfully submit that a Rule 702 hearing including live expert testimony is appropriate in this matter. A hearing in this format will also ensure that the record is sufficiently developed and complete.

Defendants therefore respectfully request that if the Court is inclined to grant Defendants' Rule 702 hearing request, at the Court's discretion and convenience, a conference be set as soon as practical to discuss logistical considerations such as the number of testifying witnesses, time limitations for direct and cross examinations, presentation format, and the like. Defendants' experts, some of whom are practicing clinicians who treat and care for patients on a daily basis, are holding open the week of December 4 as contemplated by the February 1 Order. Defendants are submitting this request now, along with opening briefs, in the hopes of allowing the experts time to plan accordingly.

Defendants appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Kristen L. Richer